

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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*Counsel to the Ad Hoc Bondholder Group*

In re:

**BED BATH & BEYOND INC., et al.,**

Debtors.<sup>1</sup>

Chapter: 11

Case No.: 23-13359 (VFP)

Judge: Hon. Vincent F. Papalia  
U.S. Bankruptcy Judge

**APPLICATION FOR ORDER SHORTENING TIME AND CERTAIN OTHER RELIEF**

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<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

The applicant, the Ad Hoc Bondholder Group,<sup>2</sup> respectfully submits, by and through the Committee's proposed counsel, having filed substantially contemporaneously with this Application the following motions:

- (i) A motion (the "Motion for Reconsideration"), pursuant to 11 U.S.C. § 105(a), Fed. R. Civ. P. 60(b), and Fed. R. Bankr. P. 4001(c) and 9024, for entry of an order (A) reconsidering and vacating (1) the *Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Dkt. No. 76] (the "Interim DIP Order") and (2) the *Final Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Dkt. No. 729] (the "Final DIP Order") and, together with the Interim DIP Order, collectively, the "DIP Orders"), and (B) granting the Ad Hoc Bondholder Group such other and further relief as the Court believes is just and proper [Dkt. 982], and
- (ii) A motion (the "Motion to Seal"), pursuant to 11 U.S.C. § 107(b), Fed. R. Bankr. P. 9018 and D.N.J. LBR 9018-1, for entry of an order (A) for authority to file

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<sup>2</sup> The Ad Hoc Bondholder Group consists of an ad hoc group of certain holders of the 3.479% Senior Notes due 2024 (the "2024 3.749% Notes"), the 4.915% Senior Notes due 2034 (the "2034 4.915% Notes") and the 5.165% Senior Notes due 2044 (the "2044 5.165% Notes" and, together with the 2024 3.749% Notes and the 2034 4.915% Notes, the "Senior Unsecured Notes"), each issued by Bed Bath & Beyond, Inc. on July 17, 2014 (collectively, the "Ad Hoc Bondholder Group").

under seal the Motion for Consideration and the declaration of Andrew K. Glenn (the “Glenn Declaration”) in support thereof<sup>3</sup> submitted in support of the Ad Hoc Bondholder Group’s Motion for Reconsideration, and (B) granting the Ad Hoc Bondholder Group such other and further relief as the Court deems necessary, appropriate and consistent with the goals of the Motion to Seal [Dkt. 983],

(the Motion for Reconsideration and the Motion to Seal being referred to herein as, collectively, the “Motions”), hereby requests that the time period required by D.N.J. LBR 9013-2(a) with respect to the Motions be shortened pursuant to Fed. R. Bankr. P. 9006(c)(1), and that an order be entered substantially in the form submitted herewith (the “**Scheduling Order**”), for the reasons set forth below:

1. **For the reasons set forth below, the Ad Hoc Bondholder Group respectfully requests that the hearing on the Motions be scheduled for June 27, 2023, at 10:00 a.m., or as soon thereafter as the Court’s calendar permits.**

2. During the June 14, 2023 hearing regarding the Final DIP Order, the Court advised the Ad Hoc Bondholder Group that, if it were to seek an extension of the Challenge Period (as defined in the Final DIP Order), it must do so by June 25, 2023 and that a hearing would be held on such request on June 27, 2023. The Motion for Reconsideration has been filed and the Ad Hoc Bondholder Group requests that it be heard before the expiration of the Challenge Period and the Reserve Release Date (as defined in the Final DIP Order). Accordingly, time is of the essence.

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<sup>3</sup> Unredacted versions of the Motion for Reconsideration and the Glenn Declaration were filed immediately after the filing of the Motion to Seal in accordance with this Court’s procedures for electronically requesting that a document be sealed (*see* [Process to Electronically Request that a Document be Sealed | United States Bankruptcy Court - District of New Jersey \(uscourts.gov\)](#)).

3. By this Application, the Ad Hoc Bondholder Group respectfully requests that the hearings on the Motion for Reconsideration and the Motion to Seal be scheduled contemporaneously on June 27, 2023 at 10:00 a.m., or as soon thereafter as the Court's calendar permits.

4. Reduction of the time period requested by this Application is not prohibited under Fed. R. Bankr. P 9006(c)(2).

**WHEREFORE**, the Ad Hoc Bondholder Group respectfully requests that this Court (i) grant the Application, (ii) enter the form of order substantially in the form submitted herewith, and (iii) grant such other and further relief as it deems necessary and appropriate.

Dated: June 26, 2023

Respectfully submitted,

**GENOVA BURNS LLC**

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